

REMARKS

This is in response to the Office Action mailed on May 22, 2009, a request for a three month extension of time being presented concurrently herewith.

Claim 38, the sole claim, is now cancelled. Added are claims 98-187, of which claims 98, 143, 155, 163, 170, 176 and 177 are independent.

In the prior office action, claim 38 was rejected under 35 USC 112, second paragraph, on basis of insufficient antecedent basis for the limitation "said one or more medical monitoring devices." Care has been taken to ensure that the new claims comply with 35 USC 112, paragraph 2.

Claim 38 was further rejected under 35 USC 102(e) as being anticipated by Douglas et al. The new claims saliently avoid Douglas through presentation of novel subject matter. As regards claim 98, for example, among other differences Douglas does not describe creation or modification of medical treatment plans in any material respect, and does not teach how to create them by entering data into the fields of a database, as claim 98 requires. Furthermore, whereas the claim requires automatically transmitting one or more customized medical protocols or information associated therewith to one or more medical monitoring devices associated with one or more patients, Douglas teaches merely that patients are logged into the system to connect into a server in order to access the described medical treatment plan (column 8, lines 1-5). He does not teach automatically downloading a medical protocol into a medical monitoring device, as required.

The other independent claims 155, 163, 171, 176 and 177 present similar novel subject matter to produce a combination of steps that are not taught by Douglas. The dependent claims now presented set forth numerous additional, useful functionalities that are not taught, or even reasonably suggested, by the Douglas reference.

Care has been taken to ensure that disclosure support is extant in the specification. No unsupported new subject matter is presented.

**Application No.: 09/845,066**

In summary, claims 98-187 are believed to be in condition for allowance, and favorable reconsideration is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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